

Message Text

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INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAJ-01

EPA-01 CEQ-01 OES-06 EB-07 /075 W

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R 231515Z SEP 76

FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 3133

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C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 1999

E O 11652: GDS

TAGS: PFOR, PGOV, WB, GE, GW

SUBJ: SENAT-GDR TALKS ON SEWAGE

REF: BONN 15737

1. SUMMARY: WE APPRECIATE EMBASSY'S VERY HELPFUL REPORT ON BONN GROUP DISCUSSION OF PROPOSED SEWAGE TALKS BETWEEN SENAT AND GDR. SENAT INVITED GDR SEPTEMBER 14 TO OPEN TALKS ON SEPTEMBER 29 UNDER ARTICLE 4 OF 1974 SEWAGE AGREEMENT BETWEEN REPRESENTATIVES OF SENATOR FOR BUILDING AND CONSTRUCTION AND GDR MINISTRY FOR TRANSPORT. THIS WAS DONE AFTER MINIMAL DESCRIPTION OF PROPOSED INVITATION TO ALLIED SENAT LIAISON OFFICERS THAT SAME DAY. WE HAVE NOT YET RECEIVED PROMISED DETAILED DESCRIPTION OF WHAT SENAT HAS IN MIND. CONTRARY TO PRESENTATION MADE BY HENZE AND MEICHSNER IN BONN GROUP SEPTEMBER 14, THESE TALKS ARE NOT ORIGINALLY A SENAT IDEA BUT GO BACK AT LEAST TO A FAIRLY AMBITIOUS PROPOSAL MADE BY GDR VISIT ARRANGE-
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MENT PLENIPOTENTIARY MITDANK IN JUNE. WE ARE CON-

CERNED THAT SENAT IS NOT BEING ENTIRELY CANDID WITH ALLIES. WHILE THERE MAY WELL BE GOOD REASONS OF SORT OUTLINED IN BONN GROUP FOR SENAT-GDR DISCUSSIONS, IT WOULD APPEAR THAT GDR HAS ITS OWN CONCEPT OF WHAT SHOULD COME OUT OF THESE TALKS, WHICH, IF NOT HANDLED CAREFULLY, COULD ADVANCE GDR'S THEORY THAT IT AND SENAT NEGOTIATE IN SAME MANNER AS ANY TWO SOVEREIGN STATES WOULD. NEGOTIATING HISTORY OF 1974 AGREEMENT, FOR EXAMPLE, REVEALS FAMILIAR PATTERN OF GDR SEEKING TO DRAW SENAT EVEN MORE DEEPLY INTO COMPREHENSIVE WATER ENVIRONMENT ARRANGEMENTS THAT MIGHT MORE PROPERLY BE RESERVED FOR FRG'S COMPETENCE. WE ARE ALSO TROUBLED AT SENAT'S PROCEDURES WHICH APPEAR CALCULATED TO GET NEGOTIATIONS STARTED BEFORE ALLIES HAVE ANY CLEAR PICTURE OF HOW USEFUL THEY MIGHT BE AND WHERE THEY MIGHT BE HEADED. IN THIS CONNECTION, SENAT REFERENCE TO ARTICLE 4 OF 1974 AGREEMENT IS SOMEWHAT DISINGENUOUS. WHILE THIS ARTICLE MAY PROVE A USEFUL COVER TO GIVE TALKS WITH GDR, PROPOSED SUBJECT MATTER, BOTH AS INITIALLY DESCRIBED BY GDR AND AS DESCRIBED BY HENZE AND MEICHSNER, GOES WELL BEYOND ANYTHING ENVISAGED IN 1974 AGREEMENT. END SUMMARY.

2. SEWAGE HAS LONG BEEN TOPIC OF MUTUAL SENAT-GDR INTEREST. FOR NUMBER OF YEARS GOVERNING ARRANGEMENT WAS BRIEF 1968 LETTER FROM OFFICE OF SENATOR FOR BUILDING AND CONSTRUCTION TO HEAD OF WATER ENVIRONMENT OFFICE IN GDR COUNCIL OF MINISTERS STATING PAYMENT SCHEDULE AND PROCEDURES AND ONE SENTENCE CONFIRMATORY RESPONSE FROM THAT GDR OFFICIAL. GDR ADVISED SENAT IN JANUARY 1974 THAT THIS WAS NO LONGER SUFFICIENT, AND KOMMANDATURA WITH SOME MISGIVINGS AUTHORIZED SENAT TO OPEN DISCUSSIONS. THESE TALKS PRODUCED FIVE YEAR AGREEMENT SIGNED DECEMBER 10, 1974 BETWEEN REPRESENTATIVES OF SENATOR FOR BUILDING AND CONSTRUCTION AND GDR MINISTRY OF TRANSPORT. THIS AGREEMENT, AUTHORIZED BY BK/L(74)43, COVERED ESSENTIALLY SAME GROUND AS 1968 LETTERS BUT IN SUBSTANTIALLY MORE DETAIL AND WITH VARIOUS TREATY-LIKE FRILLS SUCH AS GDR "GUARANTEE" TO PROVIDE SERVICE AND SENAT UNDER-CONFIDENTIAL

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TAKING TO DO WHAT IT COULD TO ENSURE THAT SEWAGE DID NOT CONTAIN DANGEROUS SUBSTANCES.

3. DURING COURSE OF THIS NEGOTIATION, GDR, WHICH INCLUDED A MINISTRY OF FOREIGN AFFAIRS REPRESENTATIVE IN ITS DELEGATION, ATTEMPTED REPEATEDLY TO EXTEND AGREEMENT TO COVER BROADER WATER ENVIRONMENT QUESTIONS WHICH SENAT AND ALLIES CONSIDERED SHOULD BE RESERVED

FOR DISCUSSION BY FRG REPS AND INCLUDED WITHIN POSSIBLE
FRG-GDR ENVIRONMENTAL AGREEMENT. AT SIGNING CEREMONY,
GDR REP MADE FOLLOWING STATEMENT:

BEGIN TEXT: THE GOVERNMENT OF THE GDR HAS, AS IS
KNOWN, FREQUENTLY DECLARED ITS READINESS ALSO TO
DISCUSS WITH THE SENAT OTHER IMPORTANT QUESTIONS
WHICH ARE IN THE COMMON INTEREST. I WOULD RECALL IN
PARTICULAR THE PROBLEM OF THE DIVERSION OF WATER FROM
BERLIN (WEST) INTO THE TELTOW CANAL. THE GDR PROCEEDS
FROM THE ASSUMPTION THAT THIS MATTER REQUIRES A
COMPREHENSIVE REGULATION BETWEEN OUR TWO SIDES IN
ORDER TO AVOID A FURTHER INJURY TO THE GDR'S INTERESTS.
END TEXT. SENAT REP MADE FOLLOWING RESPONSE:

BEGIN TEXT: OUR SIDE TAKES THE FOLLOWING POSITION
WITH RESPECT TO THE REQUEST BY THE GDR TO
NEGOTIATE OVER THE DIVERSION OF SEWAGE FROM BERLIN
(WEST) INTO THE TELTOW CANAL: ALL WISHES CANNOT BE
FULFILLED. THIS INVOLVES IN PARTICULAR YOUR DECLARATION
ON THE PROBLEM OF FLOWS INTO THE TELTOW CANAL WHICH
INVOLVES, LEST THERE BE ANY MISUNDERSTANDING, NOT
SEWAGE BUT CLEAR WATER WHICH HAS ALREADY UNDERGONE A
VERY GOOD BIOLOGICAL CLEANSING PROCESS. YOUR VIEW
ON FURTHER NEGOTIATIONS HAS ALREADY BEEN PUT FORTH
TO US IN THE DISCUSSIONS. WE HAVE HAD MANY OCCASIONS
TO GIVE YOU OUR VIEW, WHICH HAS NOT CHANGED. END TEXT.

4. GDR CONTINUED TO SHOW INTEREST THROUGHOUT 1975,
HOWEVER, IN BROADER WATER ENVIRONMENT NEGOTIATIONS.
HEAD OF SENAT CHANCELLERY HERZ CALLED ALLIED ATTENTION
TO THESE REPEATED INQUIRIES IN EARLY JANUARY 1976,
AND ALLIES ADVISED HERZ THAT ALLIES WISHED SENAT TO
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EXPLAIN IN WRITING TECHNICAL ARGUMENT FOR DISCUSSIONS
WITH GDR, WAY IN WHICH SENAT WOULD SEE TALKS DEVELOPING,
HOW SENAT WOULD PROPOSE TO HANDLE ALMOST INEVITABLE
GDR ATTEMPTS TO PUT TALKS ON MORE POLITICAL AND LESS
TECHNICAL BASIS, AND EXTENT TO WHICH FRG HAD BEEN
CONSULTED. SENAT HAS NEVER RESPONDED TO THIS REQUEST.

5. AT JUNE 29 MEETING OF VISITS ARRANGEMENTS PLENIPOTENTIARIES,
GDR REP MITDANK, MADE EXTENSIVE PRESENTATION IN WHICH
HE PROPOSED THAT TALKS BE OPENED TO EXPLORE VARIOUS
PROBLEMS INCLUDING SEWAGE FLOWS INTO TELTOW CANAL
WHICH HE CLAIMED WERE PRODUCING DELETERIOUS EFFECTS IN
POTSDAM AREA, AND ALLEGED EXCESSIVE AND INCREASING
REMOVAL BY SENAT OF GROUND WATER WHICH WAS DAMAGING
WAERTABLE OF FALKENHAGENER SEE IN GDR. MITDANK

ALSO SAID THAT GDR NEEDED TO KNOW AT EARLY DATE IF AND
IN WHAT CAPACITY SENAT WOULD DESIRE GDR TO RECEIVE
WEST BERLIN SEWAGE AFTER 1979. MITDANK SAID THIS
INFORMATION WAS REQUIRED TO HELP GDR MAKE DECISIONS
ON WATER PURIFICATION INSTALLATIONS WHEN PRESENT
AGREEMENT WITH SENAT RAN OUT. SENAT REP, KUNZE,

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EPA-01 CEQ-01 OES-06 EB-07 /075 W

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PROMISED MERELY TO REPORT THESE COMMENTS FOR INFORMATION
TO OFFICE OF SENATOR FOR BUILDING AND CONSTRUCTION.
SUBSEQUENTLY MITDANK PRESSED KUNZE FOR RESPONSE TO
HIS PROPOSAL AT MEETINGS AUGUST 25, SEPTEMBER 1,
SEPTEMBER 8 AND SEPTEMBER 14. MITDANK SAID THAT IF
SENAT DID NOT RESPOND SOON GDR WOULD SEND FORMAL
INVITATION FROM MINISTRY OF TRANSPORT FOR OPENING OF
TALKS, AND KUNZE ADVISED MITDANK ON SEPTEMBER 8 THAT
GDR SHOULD HOLD OFF FOR A WEEK. IF IT HAD NOT HEARD
FROM SENAT BY SEPTEMBER 15, HE SAID, GDR COULD SEND
ITS INVITATION.

6. ALLIED SENAT LIAISON OFFICERS ASKED HERZ INFORMALLY
ON JUNE 29 FOR AN ASSESSMENT OF WHAT GDR HAD IN MIND,

BUT HERZ PUT INQUIRY OFF WITH COMMENT THAT SENAT WOULD SIMPLY HAVE TO WAIT AND SEE. AFTER WE HAD SEEN REPORT IN WEST BERLIN PRESS IN AUGUST OF NEW GDR LONG-RANGE SEWAGE DISPOSAL PLANS, U.S. ACTING SENAT LIAISON OFFICER ASKED HERZ IF THESE PLANS MIGHT HAVE BEARING ON GDR'S INTEREST IN NEGOTIATING WITH SENAT. CONFIDENTIAL

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HERZ SHOWED HIMSELF VERY KNOWLEDGEABLE ON DETAILS OF GDR SEWAGE PROJECTS BUT DID NOT TAKE OPPORTUNITY TO DESCRIBE SENAT'S THINKING ON PROPOSED NEGOTIATIONS. WE HAD BEEN OBSERVING MITDANK'S ESCALATING EFFORTS TO LOCK SENAT INTO TALKS SOMEWHAT BEMUSEDLY IN EXPECTATION THAT SENAT WOULD FIND ITS GOOD TIME, BUT IN ANY EVENT BEFORE COMMITTING ITSELF TO GDR, RESPOND TO OUTSTANDING ALLIED REQUESTS FOR THOROUGH IN-HOUSE DISCUSSION. ON SEPTEMBER 14, HOWEVER, BRITISH ADVISED US THAT THEY HAD RECEIVED REPORT THAT FRG BONN GROUP REP LUECKING HAD ADVISED THEIR EMBASSY THAT SENAT WAS PUSHING FRG TO AGREE TO SENAT OPENING TALKS WITH GDR. MISSIONS THEN AGREED TO RAISE MATTER AGAIN WITH SENAT, AND LIAISON OFFICERS ON SEPTEMBER 14 MADE FOLLOWING POINTS TO THEIR ACTING HEAD OF CHANCELLERY SCHULTZE: A) ALLIES DESIRED A FULL DESCRIPTION IN WRITING OF WHAT WAS HAPPENING AND OF WHAT SENAT THOUGHT GDR HAD IN MIND FOR DISCUSSION; B) THAT IF WHAT WAS PROPOSED WAS MORE THAN ARTICLE 4 OF SEWAGE AGREEMENT ALLOWED FOR, SENAT SHOULD DELAY ACCEPTING ANY INVITATION FROM GDR UNTIL ALLIES DETERMINED WHETHER TO AUTHORIZE SUCH TALKS PURSUANT TO BK/L(73)46 WHICH GOVERNS SENAT-GDR CONTACTS. SCHULTZE PROMISED THAT SENAT WOULD PROVIDE WRITTEN REPORT AND GAVE BRIEF, GENERAL EXPLANATION THAT SENAT SAW SOME ADVANTAGE IN DISCUSSING SEWAGE AT THIS TIME WITH GDR SO THAT SENAT WOULD KNOW WHETHER IT WOULD HAVE TO MAKE SUBSTANTIAL PURIFICATION PLANT INVESTMENT IN NEAR FUTURE. SOME SENAT TECHNICIANS, FOR EXAMPLE, CONSIDER THAT NEW AGREEMENT WITH GDR MIGHT OBVIATE NEED FOR SENAT TO BUILD SEWAGE TREATMENT PLANT IN SPANDAU WHICH WOULD BE CERTAIN TO BE UNPOPULAR WITH WEST BERLIN ENVIRONMENTALISTS. SCHULTZE SAID, HOWEVER, THAT SENAT WISHED TO SEND TELEX INVITING REP FROM GDR MINISTRY OF TRANSPORT TO TECHNICAL DISCUSSIONS UNDER ARTICLE 4 OF AGREEMENT THAT VERY DAY. IN FACT SENAT SENT TELEX ON SEPTEMBER 14 AS MATTER BEING DISCUSSED WITH LIAISON OFFICERS AND HENCE BEFORE MISSIONS HAD CHANCE TO EXAMINE POSSIBLE IMPLICATIONS.

7. PART OF SENAT'S LAST MINUTE HURRY WAS PRESUMBEDLY CONFIDENTIAL

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TO ENABLE IT TO SET FRAMEWORK FOR DISCUSSIONS BY ESTABLISHING THAT INVITATION WAS PURSUANT TO ARTICLE 4 OF EXISTING AGREEMENT RATHER THAN NEW NEGOTIATION. THERE IS NO GUARANTEE THAT GDR WILL RESTRICT ITSELF TO THIS FRAMEWORK. IN TELEX ACCEPTING TALKS SEPTEMBER 22, FOR EXAMPLE, GDR EXPRESSED ITS AGREEMENT TO DISCUSS GENERAL WASTE SUBJECT BUT DID NOT MENTION ARTICLE 4 OR 1974 AGREEMENT. MOREOVER, SENAT'S DEADLINE WAS LARGELY SELF-IMPOSED. QUESTION OF WHETHER TO ENTER INTO TALKS HAD BEEN HANGING FIRE AT LEAST SINCE LATE JUNE, AND IT IS HARD TO SEE WHY SENAT COULD NOT HAVE ENGAGED IN CONSULTATIONS WITH ALLIES AT LEAST AS EXTENSIVE AS THOSE IT APPARENTLY HELD WITH FRG BEFORE IT AGREED TO TALK WITH GDR. SCHULTZE AT LEAST HAS EXHIBITED CERTAIN AMOUNT OF EMBARRASSMENT OVER WAY IN WHICH SENAT HAS PROCEEDED THOUGH HE HAS ATTEMPTED TO JUSTIFY FAILURE TO CONSULT MORE THOROUGHLY WITH ALLIES BY CITING ARTICLE 4 OF 1974 AGREEMENT WHICH ALLIES HAD APPROVED. THAT ARTICLE, HOWEVER, PROVIDES THAT BOTH SIDES WILL NAME REPRESENTATIVES TO DISCUSS DIFFERENCES OF OPINION OR PROBLEMS ARISING FROM IMPLEMENTATION OF AGREEMENT. IT IS CLEAR FROM MITDANK'S JUNE PRESENTATION THAT GDR IS INTERESTED IN TALKING ABOUT SOME OF THOSE VERY SAME BROADER PROBLEMS WHICH SENAT HAD REFUSED TO INCLUDE IN 1974 AGREEMENT AND THAT BOTH SENAT AND GDR ARE INTERESTED IN DISCUSSING NOT SO MUCH DIFFICULTIES IN IMPLEMENTATION OF 1974 AGREEMENT BUT SEWAGE SITUATION IN PERIOD AFTER AGREEMENT EXPIRES. ARTICLE 4 IS THUS AT BEST A TACTICAL COVER, AND WE WOULD CONSIDER THAT SENAT SHOULD HAVE REVIEWED ENTIRE MATTER WITH US MUCH EARLIER.

8. WE DOUBT THAT THERE IS MUCH MORE BONN GROUP CAN DO AT THIS STAGE. WE WILL BE PRESSING SENAT FOR DETAILS AND WILL REPORT WHAT WE LEARN. WE WILL ALSO BE MAKING KNOWN OUR UNHAPPINESS AT WAY MATTER HAS BEEN HANDLED UP TO NOW.
GEORGE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: WASTE DISPOSAL, MANAGEMENT, SEWAGE SYSTEM, CENTRAL LEGISLATURE
Control Number: n/a
Copy: SINGLE
Draft Date: 23 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USBERL01999
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760359-1055
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760925/aaaaavoe.tel
Line Count: 320
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 BONN 15737
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 07 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 APR 2004 by BoyleJA>; APPROVED <29 JUL 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SENAT-GDR TALKS ON SEWAGE
TAGS: PFOR, PGOV, WB, GC, GE
To: BONN
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006